

TABLE 1
EAB DECISIONS REVIEWED BY THE FEDERAL COURTS ¹
March 1, 1992 to December 31, 2002

EAB DECISION	STATUTE/ CASE TYPE	DISPOSITION ON APPEAL²	REVIEWING COURT DECISION
<i>A & W Smelter & Refiners, Inc.</i> , 6 E.A.D. 302 (EAB 1996)	CERCLA reimbursement petition	GRANTED SUMMARY JUDGMENT TO EPA; AFFIRMED EPA DECISION	<i>A & W Smelter & Refiners, Inc. v. Clinton</i> , 962 F. Supp. 1232 (N.D. Cal. 1997)
		AFFIRMED DISTRICT COURT IN PART, REVERSED IN PART, AND REMANDED	<i>A & W Smelter and Refiners, Inc. v. Clinton</i> , 146 F.3d 1107 (9th Cir. 1998)
<i>AES Puerto Rico L.P.</i> , 8 E.A.D. 324 (EAB 1999)	PSD permit	DENIED PETITION TO REVIEW EPA DECISION	<i>Sur Contra La Contaminacion v. EPA</i> , 202 F.3d 443 (1st Cir. 2000)

¹In addition to the appeals listed in this table, appeals were also filed from *In re Gary Development Co.*, 6 E.A.D. 526 (EAB 1996), and *In re J & L Specialty Products Corp.*, 5 E.A.D. 31 (EAB 1994) (Order), 5 E.A.D. 333 (EAB 1994) (Final Order). Both matters were resolved before the reviewing court issued a decision on the merits.

²In some cases, EPA's final Agency decision was issued after a remand by the EAB, and the federal court issued a decision on appeal from the final Agency decision. In addition, the decisions of the reviewing courts sometimes refer to the decision below as the EAB decision and sometimes as the EPA decision. For consistency, this table refers to the decision below as the EPA decision.

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<i>Allegheny Power Serv. Corp. v. EPA</i> , CAA Appeal No. 99-4 (EAB, Feb. 15, 2001), 9 E.A.D. ____	CAA penalty	AFFIRMED EPA DECISION	<i>Allegheny Power Serv. Corp. v. EPA</i> , No. 6:01-cv-241 (S.D. W. Va. Apr. 5, 2002)
<i>Arizona Municipal Storm Water NPDES Permits for City of Tucson, Pima County, City of Phoenix, City of Mesa, & City of Tempe</i> , 7 E.A.D. 646 (EAB 1998)	NPDES permit	DENIED PETITION TO REVIEW EPA DECISION OPINION AMENDED ON DENIAL OF REHEARING	<i>Defenders of Wildlife v. EPA</i> , 191 F.3d 1159 (9th Cir. 1999) <i>Defenders of Wildlife v. EPA</i> , 197 F.3d 1035 (9th Cir. 1999)
<i>Atlas Environmental Services, Inc.</i> , 4 E.A.D. 6 (EAB 1992)	RCRA permit	DENIED PETITION TO REVIEW EPA DECISION; AFFIRMED EPA DECISION	<i>Mueller v. EPA</i> , 993 F.2d 1354 (8th Cir. 1993)
<i>B.J. Carney Indus., Inc.</i> , 7 E.A.D. 171 (EAB 1997)	CWA penalty	APPEAL RENDERED MOOT BY SETTLEMENT	<i>B.J. Carney Indus., Inc. v. EPA</i> , 192 F.3d 917 (9th Cir. 1999), vacated as moot, 200 F.3d 1222 (9th Cir. 2000)
<i>Billy Yee</i> , TSCA Appeal No. 00-2 (EAB, May 29, 2001), 10 E.A.D. ____	TSCA penalty	DISMISSED APPEAL FOR LACK OF JURISDICTION	<i>Billy Yee v. EPA</i> , No. 01-2627 (8th Cir. Jan. 24, 2002) (unpublished)

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<i>Caribbean Petroleum Corp.</i> , 4 E.A.D. 491 (EAB 1993)	NPDES permit	DENIED PETITION TO REVIEW EPA DECISION	<i>Caribbean Petroleum Corp. v. EPA</i> , 28 F.3d 232 (1st Cir. 1994)
<i>Caribe General Electric Products, Inc.</i> , 8 E.A.D. 696 (EAB 2000)	RCRA permit	APPEAL DISMISSED UPON STIPULATION OF PARTIES	<i>Caribe General Electric Products, Inc. v. EPA</i> , No. 00-1580 (1st Cir. Dec. 6, 2001)
<i>Catalina Yachts, Inc.</i> , 8 E.A.D. 199 (EAB 1999)	EPCRA penalty	AFFIRMED EPA DECISION	<i>Catalina Yachts, Inc. v. EPA</i> , No. CV 99-07357 GHK (VAPx) (C.D. Cal. Feb. 18, 2000) (unpublished)
<i>Chem-Nuclear Systems, Inc.</i> , 6 E.A.D. 445 (EAB 1996)	CERCLA reimbursement petition	GRANTED JUDGMENT TO EPA AFFIRMED DISTRICT COURT DECISION	<i>Chem-Nuclear Systems, Inc. v. EPA</i> , 139 F. Supp. 2d 30 (D.D.C. 2001) (as amended) <i>Chem-Nuclear Systems, Inc. v. EPA</i> , No. 01-5184 (D.C. Cir. June 11, 2002)
<i>Ciba-Geigy Corp.</i> , 4 E.A.D. 3 (EAB 1992)	RCRA permit	DENIED PETITION TO REVIEW EPA DECISION IN PART, DISMISSED PETITION IN PART; AFFIRMED EPA DECISION	<i>Ciba-Geigy Corp. v. Sidamon-Eristoff</i> , 3 F.3d 40 (2d Cir. 1993)

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<i>City of Phoenix</i> , NPDES Appeal No. 99-2 (EAB, Nov. 1, 2000), 9 E.A.D. ____	NPDES permit	APPEAL DISMISSED BY STIPULATION OF PARTIES	<i>City of Phoenix v. EPA</i> , No. 01-70263 (9th Cir. March 21, 2002)
<i>Everwood Treatment Co.</i> , 6 E.A.D. 589 (EAB 1996)	RCRA penalty	GRANTED SUMMARY JUDGMENT TO EPA; AFFIRMED EPA DECISION	<i>Everwood Treatment Co. v. EPA</i> , No. 96-1159-RV-M (S.D. Ala. Jan. 21, 1998)
<i>General Electric Co.</i> , 4 E.A.D. 884 (EAB 1993)	TSCA penalty	VACATED EPA LIABILITY AND PENALTY DECISION; REMANDED	<i>General Electric Co. v. EPA</i> , 53 F.3d 1324 (D.C. Cir. 1995)
<i>General Motors Corp., CPC-Pontiac Fiero Plant</i> , 7 E.A.D. 465 (EAB 1997)	CWA penalty	AFFIRMED EPA DECISION	<i>General Motors Corp. v. EPA</i> , 168 F.3d 1377 (D.C. Cir. 1999)
<i>Harmon Electronics, Inc.</i> , 7 E.A.D. 1 (EAB 1997)	RCRA penalty	REVERSED EPA DECISION AFFIRMED DISTRICT COURT DECISION	<i>Harmon Indus., Inc. v. EPA</i> , 19 F. Supp. 2d 988 (W.D. Mo. 1998) <i>Harmon Indus., Inc. v. EPA</i> , 191 F.3d 894 (8th Cir. 1999)

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<i>Hoosier Spline Broach Corp.</i> , 7 E.A.D. 665 (EAB 1998)	EAJA request for attorneys' fees	AFFIRMED EPA DECISION	<i>Hoosier Spline Broach Corp. v. EPA</i> , 112 F. Supp. 2d 763 (S.D. Ind. 1999)
<i>J.V. Peters & Co.</i> , 7 E.A.D. 77 (EAB 1997)	RCRA penalty	AFFIRMED EPA DECISION AFFIRMED DISTRICT COURT DECISION IN PART, REVERSED IN PART	<i>Shillman v. United States</i> , 1:97-CV-1355 (N.D. Ohio Jan. 14, 1999) <i>Shillman v. United States</i> , 221 F.3d 1336 (6th Cir. 2000), <i>cert. denied sub. nom J.V. Peters & Co. v. U.S.</i> , 531 U.S. 1071 (2001)
<i>Lyon County Landfill</i> , 8 E.A.D. 559 (EAB 1999)	CAA penalty	DISMISSED APPEAL FOR LACK OF JURISDICTION	<i>Lyon County Landfill v. EPA</i> , No. 99-CV-1460 ADM/AJB (D. Minn. Feb. 11, 2000)
<i>Marine Shale Processors, Inc.</i> , 5 E.A.D. 751 (EAB 1995)	RCRA permit	AFFIRMED EPA DECISION	<i>Marine Shale Processors, Inc. v. EPA</i> , 81 F.3d 1371 (5th Cir. 1996), <i>cert. denied</i> , 519 U.S. 1055 (1997)
<i>Mayaguez Reg'l Sewage Treatment Plant</i> , 4 E.A.D. 772 (EAB 1993)	NPDES permit	AFFIRMED EPA DECISION	<i>Puerto Rico Aqueduct & Sewer Auth. v. EPA</i> , 35 F.3d 600 (1st Cir. 1994), <i>cert. denied</i> , 513 U.S. 1148 (1995)

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<i>Metcalf Energy Center</i> , PSD Appeal Nos. 01-07 & 01-08 (EAB, Aug. 10, 2001) (unpublished order)	PSD permit	DENIED PETITION TO REVIEW EPA DECISION	<i>Santa Teresa Citizen Action Group v. EPA</i> , No. 01-71611 (9th Cir. Nov. 21, 2002)
<i>National Cement Co.</i> , 5 E.A.D. 415 (EAB 1994)	RCRA permit	VACATED EPA DECISION, REMANDED	<i>Systech Envt'l Corp. v. EPA</i> , 55 F.3d 1466 (9th Cir. 1995)
<i>NE Hub Partners, L.P.</i> , 7 E.A.D. 561 (EAB 1998)	UIC permit	DENIED PETITION TO REVIEW EPA DECISION	<i>Penn Fuel Gas, Inc. v. EPA</i> , 185 F.3d 862 (3d Cir. 1999)
<i>Newell Recycling Co.</i> , 8 E.A.D.598 (EAB 1999)	TSCA penalty	AFFIRMED EPA DECISION	<i>Newell Recycling Co., v. EPA</i> , 231 F.3d 204 (5th Cir. 2000), <i>cert. denied</i> , 122 S. Ct. 37 (2001)
<i>Pepperell Associates</i> , CWA Appeal Nos. 99-1 & 99-2 (EAB, May 10, 2000), 9 E.A.D. ____	CWA penalty	AFFIRMED EPA DECISION	<i>Pepperell Associates v. EPA</i> , 246 F.3d 15 (1st Cir. 2001)

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<i>Puerto Rico Sun Oil Co.</i> , 4 E.A.D. 302 (EAB 1992)	NPDES permit	VACATED EPA DECISION, REMANDED	<i>Puerto Rico Sun Oil Co. v. EPA</i> , 8 F.3d 73 (1st Cir. 1993)
<i>Rogers Corp.</i> , TSCA Appeal No. 98-1 (EAB, Nov. 28, 2000), 9 E.A.D. _____	TSCA penalty	REMANDED	<i>Rogers Corp. v. EPA</i> , No. 00-1542 (D.C. Cir. Jan. 4, 2002)
<i>Seabrook, N.H., Town of</i> , 4 E.A.D. 806 (EAB 1993)	NPDES permit	DENIED PETITION TO REVIEW EPA DECISION	<i>Adams v. EPA</i> , 38 F.3d 43 (1st Cir. 1994)
<i>Slinger Drainage, Inc.</i> , 8 E.A.D. 644 (EAB 1999)	CWA penalty	DISMISSED APPEAL FOR LACK OF JURISDICTION	<i>Slinger Drainage, Inc. v. EPA</i> , 237 F.3d 681 (D.C. Cir. Jan. 30, 2001), <i>cert. denied</i> , 122 S. Ct. 394 (2001)
<i>Spitzer Great Lakes, Ltd.</i> , TSCA Appeal No. 97-4 (EAB, Apr. 15, 1997) (unpublished order)	TSCA penalty	REVERSED EPA'S DISMISSAL OF APPEAL, REMANDED	<i>Spitzer Great Lakes, Ltd. v. EPA</i> , 173 F.3d 412 (6th Cir. 1999)

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<i>Steeltech, Ltd.</i> , 8 E.A.D. 577 (EAB 1999)	EPCRA penalty	AFFIRMED EPA DECISION	<i>Steeltech, Ltd. v. EPA</i> , 105 F. Supp. 2d 760 (W.D. Mich. 2000)
		AFFIRMED DISTRICT COURT DECISION	<i>Steeltech, Ltd. v. EPA</i> , 273 F.3d 652 (Nov. 28, 2001)
<i>Sultan Chemists, Inc.</i> , FIFRA Appeal No. 99-7 (EAB, Sept. 13, 2000), 9 E.A.D. ____	FIFRA penalty	AFFIRMED EPA DECISION	<i>Sultan Chemists, Inc. v. EPA</i> , No. 00-3711 (3d Cir. Feb. 6, 2002)
<i>T H Agriculture & Nutrition Co.</i> , 6 E.A.D. 555 (EAB 1996)	CERCLA reimbursement petition	AFFIRMED EPA DECISION	<i>T H Agriculture & Nutrition Co. v. EPA</i> , 119 F. Supp. 2d 1367 (M.D. Ga. 2000)
<i>ThermalKEM, Inc.</i> , 4 E.A.D. 532 (EAB 1993)	RCRA permit	PETITION DISMISSED FOR LACK OF JURISDICTION	<i>ThermalKEM, Inc. v. EPA</i> , 25 F.3d 1233 (3d Cir. 1994)
<i>Waste Technologies Industries</i> , 4 E.A.D. 724 (EAB 1993)	RCRA permit	DISMISSED PETITION FOR LACK OF JURISDICTION	<i>Greenpeace, Inc. v. EPA</i> , 43 F.3d 701 (D.C. Cir. 1995)
<i>Woodcrest Mfg., Inc.</i> , 7 E.A.D. 757 (EAB 1998)	EPCRA penalty	AFFIRMED EPA DECISION	<i>Woodcrest Mfg., Inc. v. EPA</i> , 114 F. Supp. 2d 775 (N.D. Ind. 1999)